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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,391	09/21/1999	STEVEN J. REYNOLDS	UV-104	3387
7590	03/12/2004		EXAMINER	
G VICTOR TREYZ FISH & NEAVE 1251 AVENUE OF THE AMERICAS NEW YORK, NY 100201104			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2614	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/400,391	REYNOLDS ET AL.	
	Examiner	Art Unit	
	Annan Q Shang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 February 1999.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-47 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4,7,9 and 10</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9-22, 26-37 and 39-45, are rejected under 35 U.S.C. 102(e) as being anticipated by **Hendricks et al (6,515,680)**.

As to claim 1, note the **Hendricks et al** reference figures 1, 28e and 28g, disclose a menu generation and menu selection of television programs and further disclose hybrid passive-interactive television program guide system comprising the following:

the claimed “a main facility...” is met by Operations Center 202 (OC 202) (figs. 1-3, col. 8, lines 2-23 and lines 46-56) which comprises; a Computer Assisted Packaging Equipment (CAP) “a data source” which is configured to pack menus “program guide” (PG) data, or content which includes video and text, having program listings information (col. 8, lines 24-45); and

the claimed “a transmitter...” met by Uplink 204 (col. 9, lines 24-32) which is configured to transmits multiplexed menus or PG data over satellite to Headends 208 or direct to Set Top Terminals (STTs) 220 “television program equipment” on which an

interactive television program (ITV) guide is implemented; the Headend 208 or STT 220 comprises the following:

the claimed "receiver configured to receive the program guide data" is met by Tuner 603 of STT 220 (fig. 5a, 5b and col. 19, lines 8-16);

the claimed "a screen generator..." is met by Video/Graphics/Text 618/622 or 623 of fig. 5b and Video Combiner 624 (V/G/T-Gen 623) (col. 19, lines 23-42), which are used in creating menus "a passive guide display screen" where program listings information is displayed (figs. 8, 9a, 14, col. 13, lines 18-30 and lines 39-50), wherein depend on the choice of menu the program listings start with a given program listing, such as movies, sports and other program listings;

the claimed "user television equipment..." is met by Television (TV) 222 (figs. 2, 13 and col. 33, lines 28-39 and col. 45, lines 24-28) which partially implements ITV guide where a subscriber selects a desire programming through a menu-driven scheme or by directly accessing a specific channel by entering the actual channel (col. 12, line 58-col. 13, line 6);

the claimed "distribution equipment configured to distribute program guide data, passive guide characteristics..." is met by Operations Center 202 (OC 202) (col. 8, lines 2-23 and lines 46-56), which distributes menu data, menu characteristics, and menu display screen to TV 222 (figs. 28a-28f and col. 43, lines 32-56); and

the ITV guide is programmed to overlay, for example, HIT MOVIES "program listings information" (fig. 28e) menu "passive program guide" with IPG "interactive program listings" (fig. 28c), where the IPG listings start at HOME ALONE 3 (PG) "the

given program listing" based on the menu characteristics of text 1530 generated for the HIT MOVIES major menu, permitting the user to highlight a tile or any title, such as HOME ALONE 3 (PG), and pressing GO for more information, which includes video information of the program, or selecting of a movie or channel (fig 28g, col. 43, line 53-col. 44, line 27).

As to claim 2, Hendricks further discloses where the IPG determines the type of the given program listings, MOVIES, SPORTS, etc., and display IP listings of the same type (col. 6, lines 38-52 and col. 7, line 65-col. 8, line 23).

As to claim 3, Hendricks further discloses where the IPG is programmed to overlay the program listings information of the television program listings of the menu display screen with IPG listings after a user indicates a desire to interact with the program listings information of the menu (fig. 28d, col. 34, line 60-col. 35, line 4 and col. 44, lines 49-58), note that by highlighting a title or any tiles indicates a desire to interact with the program listings of the menu or passive guide.

As to claim 4, Hendricks further discloses where V/G/T-Gen 623 generates menu characteristics from the stored menu data in STT 220 (col. 44, line 58-col. 45, line 5).

As to claim 5, Hendricks further discloses where the menu characteristics includes a playlist for the video of the menu (col. 45, lines 29-45 and col. 46, lines 16-23).

As to claim 6, Hendricks further discloses displaying videos in Video Window 1556 (figs. 29a, 29g, col. 45, lines 29-45 and col. 46, line 57-col. 47, line 10); displays menu listing information in the menu listing area and IPG overlaid the menu listings area

(fig. 29g and col. 46, lines 38-42) where IPG can further resize the IPG listings area based on the menu display characteristics when the video display area changes in size (col. 46, line 57-col. 47, line 10).

As to claim 7, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 1. the claimed "an information source..." is met by CAP of OC 202 , which also features menus comprising video and data (figs. 29a, 29g, col. 45, lines 29-45 and col. 46, line 57-col. 47, line 10).

Claim 9 is met as previously discussed with respect to claim 4.

Claim 10 is met as previously discussed with respect to claim 5.

As to claim 11, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 1.

As to claim 12, Hendricks further discloses where the supplemental advertisement is an interactive advertisement (col. 14, lines 58-67 and col. 35, lines 23-36).

As to claims 13 and 14, Hendricks further discloses IPG providing a user with an opportunity to order a program and a product associated with menu content displayed in the menu display screen 1058, based on the menu characteristics (fig. 29g and col. 47, lines 48-56).

Claim 15 is met as previously discussed with respect to claim 4.

Claim 16 is met as previously discussed with respect to claim 5.

As to claim 17, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 1; the claimed "a video source..." is met by

CAP of OC 202 , which also features menus comprising video and data (figs. 29a, 29g, col. 45, lines 29-45 and col. 46, line 57-col. 47, line 10), note further that OC provides video and also receives programs from different external sources (col. 8, lines 2-14); the claimed “second text display” is met by display 1549 and the claimed “first text display area” is met by text display area 1530 where the text display 1549 is based on menu characteristics and corresponds to the video displayed in the video displayed area 1556 (col. 44, line 58-col. 45, line 5 and lines 24-45).

As to claim 18, Hendricks further discloses where display 1549 is an interactive text display area that enables a user to highlight a tile of titles for additional information or select a channel (fig 28g, col. 43, line 53-col. 44, line 27).

Claim 19 is met as previously discussed with respect to claim 4.

Claim 20 is met as previously discussed with respect to claim 5.

As to claim 21, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 1. the claimed “a video source...” is met by CAP of OC 202 , which also features menus comprising video and data (figs. 29a, 29g, col. 45, lines 29-45 and col. 46, line 57-col. 47, line 10), note further that OC provides video also receives programs from different external sources (col. 8, lines 2-14);

Claim 22 is met as previously discussed with respect to claim 1.

Claim 26 is met as previously discussed with respect to claim 4.

Claim 27 is met as previously discussed with respect to claim 5.

As to claim 28, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 1, note further that the IPG replaces at

least a portion of the program listings displayed by the menu with synchronized program listings and displays on TV 222 on given channel when the user powers up TV 222 (figs. 28e, 28g, col. 33, lines 28-39 and col. 44, line 58-col. 45, line 10) note that text 1530 of HIT MOVIES is synchronized with IPG text 1549.

As to claim 29, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 28, note further that the IPG text 1549 "interactive feature area" contains titles "a feature" corresponding to the titles of the movies that is being displayed in the display area where portion of the display area is replaced with the interactive feature area that enables a user to highlight a tile or any title, such as HOME ALONE 3 (PG), and pressing GO for more information, which includes video information of the program, or selecting of a movie or channel (fig 28g, col. 43, line 53-col. 44, line 27).

As to claim 30, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 28, note further that interactive advertisement region 1556 and at least a portion of the menu is displayed simultaneously on TV 222 (fig. 29g and col. 35, lines 23-36, col. 45, line 29-45 and col. 46, line 57-col.47, line 10).

Claim 31 is met as previously discussed with respect to claim 6.

As to claim 35, Hendricks further discloses replacing the program listings displayed by the menu with synchronized program listings (figs. 28e, 28g, col. 33, lines 28-39 and col. 44, line 58-col. 45, line 10) note that text 1530 of HIT MOVIES is synchronized with IPG text 1549, where a user indicates a desire to interact with the

program listings information by highlighting a tile or any title, such as HOME ALONE 3 (PG), and pressing GO for more information or selecting of a movie or channel (fig 28g, col. 43, line 53-col. 44, line 27).

As to claim 36, Hendricks further discloses where the menu further includes at least one video display area that changes size (fig. 29g and col. 46, lines 57-col. 47, line 10) where the system further comprises displaying synchronized IPG listings information in the listings display area having a size and resizes the listings display area when the video display area changes, discussed in claim 35.

As to claim 37, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 1.

As to claim 30, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 1, note further that other videos, such as advertisement or promotional can be displayed with the video of the menu (col. 46, line 57-col. 47, line 10).

As claim 40, Hendricks further discloses displaying an advertisement or promotions corresponding to the video and interactive advertisement or promotional video (col. 35, lines 19-35 and col. 46, line 57-col. 47, line 10).

Claim 41 is met as previously discussed with respect to claim 14.

As to claims 42 and 43, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 1, note further that V/G/T-Gen 623 of STT 220 is a means that replaces the menu text with IPG text associated with the video (figs. 29e-29g and col. 46, lines 8-41).

As to claim 44, note the Hendricks et al reference figures 1, 28e and 28g, disclose a menu generation and menu selection of television programs and further disclose hybrid passive-interactive television program guide system comprising the following: a Computer Assisted Packaging Equipment (CAP) at Operations Center 202 (OC 202) (figs. 1-3, col. 8, lines 2-23 and lines 46-56), is a means for packing menus "program guide" (PG) data, or content which includes text and plurality of video, where Set Top Terminal (STT) 220 receives the PG data and V/G/T-Gen 623 of STT 220, generates the text and plurality of video and displays on TV 222 (figs 29g, 30 and col. 46, lines 8-41 and line 57-col. 47, line 10).

As to claim 45, Hendricks further discloses where the user can access the additional information for the videos by highlighting a tile or any title or the video, such as HOME ALONE 3 (PG), and pressing GO for more information or selecting of a movie or channel (fig 28g, col. 43, line 53-col. 44, line 27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 8 and 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hendricks et al (6,515,680)** as applied to claims 7 and 37 above, in view of **Klosterman et al (6,469,753)**.

As to claims 8 and 38, Hendricks teaches all the claim limitations as previously discussed with respect to claims 7 and 37 respectively, but fails to explicitly teach overlaying an interactive Internet-based feature on the menu display screen.

However **Klosterman** teaches an interactive and non-interactive Cells of a display screen and overlays a WWW interactive Internet tile that includes a URL to enable the user to interact and access Internet services (figs. 6b, 6c and col. 9, lines 27-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Klosterman into the system of Hendricks to provide an interactive overlay that enables the user to access and connect to an Internet Service Provider for additional information.

5. Claims 23-25, 46 and 47, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hendricks et al (6,515,680)** as applied to claims 21 and 44 above, in view of **Knee et al (6,014,184)**.

As to claims 23, 24, 46 and 47, Hendricks teaches all the claim limitation as previously discussed with respect to claims 21 and 44 respectively, but fails to explicitly teach providing a user with opportunity to schedule a reminder for a video associated with a program listing and record a video associated with a program listing at STT 220.

However, **Knee et al** teach an EPG system, with access to stored television program schedule information and data feeds containing status information for live programs, where a user can schedule a program reminder and further records

programs from a program guide (col. 13, col. 16, line 51-col. 17, line 23 and col. 36, line 51-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Knee into the system of Hendricks to provide a means that permits a user to schedule a reminder to inform the user in advance of up coming programs or events and further to allow the user to record programs and playback the recorded program as desired.

As to claim 25, Hendricks further discloses where the STT 220 includes RAM, VRAM, etc for storing the video associated with the program listing (figs 5a, 5b and col. 17, lines 14-22).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Knowles et al (6,505,348) disclose multiple interactive electronic program guide system and methods.

Ludvig et al (6,415,437) disclose method and apparatus for combining video sequences with an interactive program guide.

Schein et al (6,388,714) disclose interactive computer system for providing television schedule information.

Saib et al (6,292,624) disclose system and method for selection/deselection of Timer recording.

Allison et al (6,262,722) disclose interactive program guide navigator menu system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on **700am-500pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.


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